

**COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION  
Workforce Investment Act**

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| <b>Policy Number</b>   | <b>00-10</b>  |
| <b>Effective Date:</b> | <b>November 16, 2000</b>  |
| <b>Revision #</b>      |   |
| <b>Revision Date</b>   |   |
| <b>Title:</b>          | <b>Equal Opportunity Requirements for Local Workforce Investment Boards in Relation to the Workforce Investment Act</b> |

## **PURPOSE**

To communicate the non discrimination and equal opportunity requirements of the Workforce Investment Act to the Local Workforce Investment Boards in Virginia.

## **REFERENCES**

P.L. 105-220, Workforce Investment Act, Section 111, (d) (2).  
Department of Labor, Employment and Training Administration, 20 CFR Part 652, et al.,  
Workforce Investment Act, Final Rule, August 11, 2000.  
29 CFR Part 37, Department of Labor, Office of the Secretary, Implementation of the  
Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment  
Act; Final Rule, November 12, 1999.  
Civil Rights Act of 1964, Title VI  
Age Discrimination Act of 1975  
Rehabilitation Act of 1973  
Education Amendments Act of 1972, Title IX

## **POLICY STATEMENT**

The Commonwealth of Virginia is committed to providing access to all individuals with respect to the delivery of programs and services associated with the Workforce Investment Act of 1998 (WIA), which was implemented on July 1, 2000.

Section 188 of the WIA prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for the beneficiaries only, citizenship<sup>1</sup> or participation<sup>2</sup> in a WIA Title I-financially assisted program or activity. The following requirements are taken from regulation at 29 CFR part 37 and must be incorporated into the systems and practices of all recipients for assurances of

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<sup>1</sup> These regulations do not limit eligibility or impose preferences for services on the basis of citizenship.

<sup>2</sup> An example of discrimination on the basis of participation would be denying an employment opportunity to an individual based on the individual's training in a WIA program.

nondiscrimination. Any program or activity that receives federal financial assistance under WIA Title I is a recipient and therefore subject to these requirements.

The Virginia Employment Commission is available to provide technical assistance to Chief Local Elected Officials, Local Workforce Boards and One-Stop Operators to ensure effective and efficient local implementation of the WIA.

**RECISIONS**

**APPROVED**

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Commissioner, Virginia Employment Commission

**DATE:**

**ATTACHMENTS**

**COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION  
POLICY NUMBER 00-10**

**Equal Opportunity Requirements for WIA**

Programs and activities funded or otherwise financially assisted in whole or in part under the Workforce Investment Act (WIA) are subject to federal equal opportunity (EO) laws and regulations based on the following:

- Title VI, Civil Rights Act of 1964
- Age Discrimination Act of 1975
- Rehabilitation Act of 1973
- Title IX Education Amendments Act of 1972
- 29 CFR Part 37
- State's Methods of Administration (MOA); and
- DOL Civil Rights Center and state policy directives.

Other federal laws that impact the operations of State and local level WIA programs include, but are not limited to, the following:

- Immigration Reform and Control Act of 1986
- Title VII, Civil Rights Act of 1964
- Equal Pay Act
- Age Discrimination in Employment Act; and
- Americans with Disabilities Act of 1990.

Consistent with the legal and regulatory requirements of WIA and Virginia's WIA Methods of Administration (MOA), each WIB and other recipients shall establish and maintain a comprehensive equal opportunity program throughout their respective WIA-funded programs and activities to include written policies and procedures governing all employment practices.

WIB's and other recipients shall ensure compliance with VEC's equal opportunity and related policies, procedures, and administrative directives and the State's Methods of Administration as applicable. This includes the following:

- Designation of an Equal Opportunity Officer to coordinate local level WIA/EO responsibilities;
- Notification of the right to file a complaint by posting "Equal Opportunity Is the Law" notices in prominent locations that are available to registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public;

- Requirement to include assurance with the nondiscrimination and equal opportunity laws and regulations in grants, contracts, cooperative agreements, and other similar agreements to carry out WIA-funded programs;
- Establishment of a plan describing efforts to provide universal access to programs and activities by broadening the pool of those considered for employment or participation in programs and activities;
- Administration of WIA-funded programs and activities to ensure physical as well as program accessibility to individuals with disabilities, that programs are provided in the most integrated environment appropriate to individuals with disabilities, and that communications with individuals with disabilities are as effective as communications with others;
- Collection and maintenance of EO data and provision of reports on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment;
- Development of a system for monitoring local program operations to ensure compliance with the nondiscrimination and equal opportunity provisions of WIA;
- Compliance with and publication of the WIA Discrimination Complaint Procedures established by VEC and maintenance of a log of discrimination complaints. Recipients shall promptly notify VEC of any complaints, administrative enforcement actions or lawsuits filed against it alleging discrimination; and
- Establishment of procedures for obtaining prompt corrective actions, or as required, application of sanctions when a service provider is not in compliance with the nondiscrimination and equal opportunity provisions of WIA, related regulatory requirements, and state and local policies, procedures, and administrative directives.